

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

DARLENE TEIL,	)	NO. _____
	)	
Plaintiff,	)	JUDGE _____
v.	)	
	)	MAGISTRATE JUDGE
SHAWN ROWE and	)	_____
TOMLIN TRUCKING, LLC,	)	
	)	JURY DEMAND
Defendants.	)	

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. § 1332, 1441, and 1446, defendant Shawn Rowe (“Rowe” or “Defendant”), by counsel, files this Notice of Removal of this action from the Circuit Court in Davidson County, Tennessee, where it is now pending, to the United States District Court for the Middle District of Tennessee based upon diversity of citizenship and an amount in controversy exceeding \$75,000. The grounds for removal are as follows.

**Procedural Background**

1. This action was commenced on or about October 15, 2021 by Plaintiff’s filing of the Complaint in the Davidson County Circuit Court in Davidson County, Tennessee, case no. 21C1792 (the "Complaint"). True and accurate copies of the pleadings served upon this Defendant in this action are attached as Exhibit A.

2. The Complaint was served on this Defendant on or about November 10, 2021. The Notice of Removal is being filed within thirty (30) days after service of the Complaint in the matter; therefore, the removal is timely in accordance with 28 U.S.C. § 1446.

3. The Complaint contains allegations of negligence and negligence *per se* against defendant Shawn Rowe in operating the vehicle without exercising ordinary and due care, thus

leading to Plaintiff's injuries. It also contains allegations of vicarious liability against defendant Tomlin Trucking, LLC along with a direct claim of negligence entrustment against the company. Plaintiff seeks damages in amount not to exceed \$25,000 in her Complaint. Upon receipt, undersigned counsel communicated with Plaintiff's counsel and he conceded that Plaintiff will be seeking more than \$75,000 in damages. Accordingly, by representation of Plaintiff, through her counsel, the amount in controversy exceeds \$75,000 such that this Court has jurisdiction over the matter.

4. According to the Complaint, Plaintiff is a citizen and resident of Rutherford County, Tennessee.

5. Defendant Shawn Rowe is a citizen and resident of the State of Arkansas.

6. Defendant Tomlin Trucking, LLC is a foreign corporation organized under the laws of the State of Missouri with its principal place of business in Missouri. Undersigned counsel is also representing Tomlin Trucking, LLC in this matter, and it consents to the removal of this matter to the United States District Court for the Middle District of Tennessee.

7. The United States District Court for the Middle District of Tennessee has original jurisdiction over this action pursuant to 28 U.S.C. § 1332 as there is complete diversity of the parties, and the amount in controversy clearly exceeds \$75,000 exclusive of interest and costs.

8. A copy of this Notice of Removal is being served via email on counsel for Plaintiff, and a Notice of Filing of Notice of Removal is being filed with the Davidson County Circuit Court in Davidson County, Tennessee, in accordance with 28 U.S.C. § 1446(d). (Copies of those notices are attached as Exhibit B.) The necessary filing fees have been paid simultaneously with the filing of the Notice of Removal.

9. Defendant demands a jury to try this case.

10. This Defendant and defendant Tomlin Trucking, LLC will file their responsive pleadings by Friday, December 17, 2021.

**WHEREFORE**, Defendant prays this Court consider the Notice of Removal as provided by law governing removal of cases to this Court and that this Court enter the appropriate orders to effect the removal of this case from the Davidson County Circuit Court in Nashville, Tennessee to this Court.

Respectfully submitted,

LEWIS THOMASON, P.C.

By: /s/Mary Beth White

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*Attorneys for defendant Shawn Rowe*

### **CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing NOTICE OF REMOVAL has been served on the following counsel of record via email:

Burke Keaty, Esq.  
Morgan & Morgan-Nashville, PLLC  
810 Broadway, Suite 105  
Nashville, TN 37203

This the 10<sup>th</sup> day of December 2021.

/s/Mary Beth White